

## § 161.10

## 32 CFR Ch. I (7–1–14 Edition)

### § 161.10 Benefits for active duty members of the uniformed services.

(a) This section describes the benefits for active duty uniformed services members and their eligible dependents administered by the uniformed services in accordance with 10 U.S.C. chapter 55 and DoD Instruction 1330.17, “Armed Services Commissary Operations” (available at <http://www.dtic.mil/whs/directives/corres/pdf/133017p.pdf>); DoD Instruction 1330.21, “Armed Services Exchange Regulations” (available at

<http://www.dtic.mil/whs/directives/corres/pdf/133021p.pdf>); and DoD Instruction 1015.10. Descriptions of benefits for National Guard and Reserve members and their eligible dependents are contained in § 161.11. Descriptions of benefits for surviving dependents of active duty uniformed services members are contained in § 161.17.

(1) *Active duty service members.* Active duty uniformed services members are eligible for benefits administered by the uniformed services as shown in Table 1.

TABLE 1 TO PART 161—BENEFITS FOR ACTIVE DUTY MEMBERS, NOT INCLUDING NATIONAL GUARD OR RESERVE MEMBERS

	CHC	DC	C	MWR	E
Member (Self) .....	No .....	Yes .....	Yes .....	Yes .....	Yes.

(2) *Dependents of active duty members.* Dependents of active duty members are eligible for benefits as shown in Table 2 to part 161. Benefits for the eligible dependents of National Guard or Reserve members, non-regular Service retirees not yet age 60, or members enti-

tled to retired pay or who are in receipt of retired pay for non-regular service, and non-regular Service retirees who are not in receipt of retired pay are identified in §§ 161.11 through 161.14.

TABLE 2 TO PART 161—BENEFITS FOR DEPENDENTS OF ACTIVE DUTY MEMBERS

	CHC	DC	C	MWR	E
Spouse .....	Yes .....	Yes .....	Yes .....	Yes .....	Yes.
Children, Unmarried, Under 21 Years:					
Legitimate, adopted, stepchild, illegitimate child of record of female member, or illegitimate child of male member whose paternity has been judicially determined or voluntarily acknowledged.	Yes .....	Yes .....	1 .....	2 .....	2.
Ward .....	3 .....	3 .....	3 .....	3 .....	3.
Pre-adoptive Child	4 .....	4 .....	4 .....	4 .....	4.
Foster Child .....	No .....	No .....	1 .....	1 .....	1.
Children, Unmarried, 21 Years and Over.	5 .....	5 .....	1, 5 .....	5 .....	5.
Father, Mother, Father-in-Law, Mother-in-Law, Stepparent, or Parent by Adoption.	No .....	1 .....	1 .....	2 .....	2.

#### Notes:

1. Yes, if a member of a household maintained by or for an authorized sponsor and dependent on that sponsor for over 50 percent of his or her support. Children residing in the household of a separated spouse continue to be eligible for commissary privileges until there is a final divorce decree. In the case of a divorce, children residing in the household of a former spouse ARE NOT considered to be members of the authorized sponsor's household for commissary privileges. Exception: Children who reside with a former spouse meeting requirements for commissary privileges based on 20 years of marriage during a period the member or retired member performed 20 years of service, or the dependent is entitled to privileges as a result of sponsor abuse pursuant to 10 U.S.C. 1408(h).

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2. Yes, if dependent on an authorized sponsor for over 50 percent support or children of a sponsor residing in the household of a former spouse (20–20–20 or 10–20–10).
3. Yes, if, for determination of dependency made on or after July 1, 1994, placed in the legal custody of the member as a result of a court of competent jurisdiction in the United States (or possession of the United States) for a period of at least 12 consecutive months; and:
- a. Is dependent on the member for over 50 percent support.
- b. Resides with the member unless separated by the necessity of military service or to receive institutional care as a result of a disability or incapacitation or under such other circumstances as the administering Secretary or Director may, by regulation, prescribe.
4. Yes, if, for determinations of dependency made on or after October 5, 1994, placed in the home of the member by a placement agency (recognized by the Secretary of Defense) or by another organization authorized by State or local law to provide adoption placement, in anticipation of the legal adoption by the member.
5. Yes, if the child:
- a. Has not attained the age of 23, is enrolled in a full-time course of study at an institution of higher learning approved by the administering Secretary and is dependent on the member for over 50 percent of the child's support; or
- b. Is incapable of self-support because of a mental or physical incapacity that existed before age 21, or occurred before the age of 23 while a full-time student, while a dependent of a member and is dependent on the member for over 50 percent of the child's support.

### § 161.11 Benefits for National Guard and Reserve Members of the Uniformed Services.

(a) This section describes the benefits for National Guard and Reserve members of the uniformed services and their eligible dependents. Benefits for members of the Retired Reserve and their eligible dependents are described in § 161.13. Benefits for surviving dependents of deceased National Guard

and Reserve members are described in § 161.17.

(1) *National Guard and Reserve members.* National Guard and Reserve members are eligible for benefits based on being ordered to periods of active duty or full-time National Guard duty or active status in the SelRes, including Ready Reserve and Standby Reserve and participation in the Reserve Officer Training Corps.

TABLE 3 TO PART 161—BENEFITS FOR NATIONAL GUARD AND RESERVE MEMBERS NOT ON ACTIVE DUTY GREATER THAN 30 DAYS

	CHC	DC	C	MWR	E
Member (Self) .....	No .....	No .....	Yes .....	Yes .....	Yes.

TABLE 4 TO PART 161—BENEFITS FOR NATIONAL GUARD AND RESERVE MEMBERS ON ACTIVE DUTY FOR PERIODS GREATER THAN 30 DAYS

	CHC	DC	C	MWR	E
Member (Self) .....	No .....	Yes .....	Yes .....	Yes .....	Yes.

**Notes:**

1. This includes reported periods of early identification of Service members in support of a contingency operation in accordance with DoD Instruction 7730.54, "Reserve Components Common Personnel Data System (RCCPDS)" (available at <http://www.dtic.mil/whs/directives/corres/pdf/773054p.pdf>).

(2) *Dependents of National Guard or Reserve Members.* Dependents of National Guard or Reserve members are

eligible for benefits as shown in Table 5.

TABLE 5 TO PART 161—BENEFITS FOR DEPENDENTS OF NATIONAL GUARD OR RESERVE MEMBERS

	CHC	DC	C	MWR	E
Spouse .....	1 .....	1 .....	Yes .....	Yes .....	Yes.
Children, Unmarried, Under 21 Years:					